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10 Attorneys for Plaintiffs

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12 UNITED STATES DISTRICT COURT

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14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 RUSSELL E. BURNS, et al., as Trustees of the  
16 OPERATING ENGINEERS' HEALTH AND  
17 WELFARE TRUST FUND, et al.

18 Plaintiffs,

19 v.

20 SPECIALIZED EXCAVATION SERVICES, a  
21 California corporation,

22 Defendant.

23 Case No.: C13-03427 SI

24 **PLAINTIFFS' REQUEST FOR  
25 CONTINUANCE OF CASE  
26 MANAGEMENT CONFERENCE; and  
27 [PROPOSED] ORDER THEREON**

28 Date: Friday, November 22, 2013

Time: 2:30 p.m.

Ctrm: 10, 19th Floor  
450 Golden Gate Avenue  
San Francisco, California

Judge: The Honorable Susan Illston

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29 Plaintiffs respectfully request that the Case Management Conference currently scheduled  
30 for November 22, 2013, at 2:30 p.m., be continued for approximately sixty (60) days, as follows:

31 1. As the Court's records will reflect, this action was filed on July 24, 2013 to compel  
32 Defendant to comply with the terms of its Collective Bargaining Agreement.

33 2. Plaintiffs served the complaint, summons, and court documents on Defendant on  
34 September 23, 2013 (Dkt. #10). Immediately thereafter, I was contacted by in house counsel for  
35 Defendant, who requested an extension of time to respond to the Complaint. She advised that  
36 Defendant had documents to show that the amount found due on audit was incorrect. I requested  
37 that she provide them so that our auditors could review, and further advised that if there were any  
38 revisions to the audit required, they would be done.

39 3. Defendant submitted delinquent contribution reports to Plaintiffs, as well as the

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40 REQUEST TO CONTINUE CMC  
41 Case No.: C13-03427 SI

1 documentation in support of their dispute of amounts found due to Plaintiffs pursuant to the audit  
2 of their payroll records. I forwarded the documentation to Plaintiffs' auditors. The auditor  
3 contacted me today requesting further information in support of the dispute. I in turn emailed  
4 Defendant's counsel asking for clarification.

5 4. If the documentation provided by Defendant supports Defendant's dispute,  
6 Plaintiffs will bill Defendant for the revised amount due, if any. As Defendant is now current in  
7 reports and contributions, as of right now the audit is the only remaining issues. If the  
8 documentation does not alter the amount found due to Plaintiffs, Plaintiffs will again bill  
9 Defendant for the original amount found due on audit.

10 5. As the parties are attempting to resolve this matter before incurring further fees and  
11 costs on both sides, there are no issues that need to be addressed by this Court at the currently  
12 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's  
13 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled  
14 Case Management Conference for approximately sixty (60) days, in order to allow for sufficient  
15 time for Plaintiffs' auditors to analyze the documentation provided by Defendant in support of  
16 Defendant's dispute of amounts found due pursuant to audit.

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1       6. Plaintiffs recognize that a case management conference statement is due seven days  
2 in advance of the case management conference date and that the statement must include all  
3 elements requested in the "Standing Order for All Judges of the Northern District of California –  
4 Contents of Joint Case Management Statement" pursuant to Local Rule 16-9. Should this Court  
5 require Plaintiffs to file a Case Management Conference Statement, Plaintiffs will do so promptly.

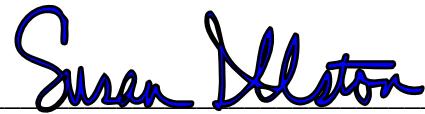
6 Dated: November 12, 2013

**SALTZMAN & JOHNSON  
LAW CORPORATION**

10 IT IS SO ORDERED.

11       Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case  
12 Management Conference is hereby continued to 1/17/14, and all related deadlines are  
13 extended accordingly.

14 Date: 11/12/13

  
THE HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT COURT

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1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 1. I am a citizen of the United States and am employed in the County of San  
4 Francisco, State of California. My business address is 44 Montgomery Street, Suite 2110, San  
5 Francisco, California 94104.

6 2. I am over the age of eighteen and not a party to this action.

7 3. **On November 12, 2013**, I served the following document(s):

8 **PLAINTIFFS' REQUEST FOR CONTINUANCE OF CASE MANAGEMENT**

9 **CONFERENCE; and [PROPOSED] ORDER THEREON**

10 on the interested parties in said action by enclosing a true and exact copy of each document in a  
11 sealed envelope and placing the envelope for collection and First Class mailing following our  
12 ordinary business practices. I am readily familiar with this business' practice for collecting and  
13 processing correspondence for mailing. On the same day that correspondence is placed for  
14 collection and mailing, it is deposited in the ordinary course of business with the United States  
15 Postal Service in a sealed envelope with postage fully prepaid.

16 4. The envelopes were addressed and mailed as follows:

17 Specialized Excavation Services  
18 c/o Kristine L. Mollenkopf  
19 Mollenkopf Law Group  
1862 South Broadway, Ste. 203  
Santa Maria, CA 93454

20 I declare under penalty of perjury that the foregoing is true and correct and that this  
21 declaration was executed on **November 12, 2013**, at San Francisco, California.

23 \_\_\_\_\_/S/  
24 Alicia Rutkowski  
25 Paralegal  
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